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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,161	11/04/2003	Stephen Michael Campbell	KC-20,043	5526

7590 02/21/2006

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EXAMINER

VO, HAI

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/701,161	Applicant(s) CAMPBELL ET AL.	
	Examiner Hai Vo	Art Unit 1771	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-25 and 32-37.
- Claim(s) withdrawn from consideration: _____.


AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: All of the art rejections and the obviousness-type double patenting rejections have been maintained for the following reasons. Applicants argue that the claims require ingredients which together constitute about 100% by weight of the adhesive composition. Applicants go on and state that crystalline polypropylene as required by the cited prior art references is not among the ingredients listed in Applicants' claims. Therefore, Applicants conclude that the applied references do not anticipate the claimed subject matter. The examiner disagrees. The arguments are not found persuasive for patentability because they are not commensurate in scope with the claims. The reciting "the adhesive composition comprises" and "the amorphous poly-alpha-olefin, tackifier and one or more additives together constitute about 100% by weight of the adhesive composition" and "fillers" together suggest that the adhesive composition of the present invention could have included crystalline polypropylene. Zhou teaches a bonded structure comprising a first substrate, a second substrate and an adhesive composition bonding the first substrate and the second substrate to one another at an add-on level within the claimed range (table 1). The bonded structure has a dynamic peel strength within the claimed range (tables 1-4). The adhesive composition comprises from 75 to 85% by weight of atactic poly-alpha-olefin (APAO), 50 to 65% by weight of tackifier and less than 1% by weight of additives [0030],[0040]. Wang teaches a bonded structure comprising a first substrate, a second substrate and an adhesive composition bonding the first substrate and the second substrate to one another at an add-on level within the claimed range (examples 1-3). The bonded structure has a dynamic peel strength within the claimed range (examples 4-8). The adhesive composition comprises 15%-80% by weight of the blend of syndiotactic polypropylene (SPP) and atactic poly-alpha-olefin (APAO) wherein the blend has a ratio of 20% SPP and 80% APAO. Likewise, the adhesive composition contains 12% to 64% by weight of APAO within the claimed range. The adhesive composition comprises 15%-80% by weight of the blend of syndiotactic polypropylene (SPP) and atactic poly-alpha-olefin (APAO) wherein the blend has a ratio of 10% SPP and 90% APAO. Likewise, the adhesive composition contains 13.5% to 72% by weight of APAO within the claimed range. The adhesive composition contains a C5 hydrocarbon tackier with an amount within the claimed range (table 2). The adhesive composition contains an antioxidant stabilizer (table 2). Accordingly, the art rejections are sustained.



HAI VO
PRIMARY EXAMINER